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PATENT
Customer No. 22,852
Attorney Docket No. 09159.0003

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:)	
)	
Christian Tourre et al.)	Group Art Unit: 3728
)	
Application No.: 09/852,712)	Examiner: S. Luong
)	
Filed: May 11, 2001)	
)	
For: PACKET OF TISSUES)	Confirmation No.: 5186
)	

Mail Stop Appeal Brief--Patents

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

This is an appeal to the Board of Patent Appeals and Interferences ("the Board") from the final Office Action dated June 4, 2004, finally rejecting claims 16-22 and 30-31, in the above-referenced patent application. The appealed claims, as rejected, are set forth in the attached Appendix.

In support of the Notice of Appeal filed June 1, 2004, and pursuant to 37 C.F.R. § 41.37, Appellants present this brief and enclose herewith a check for \$770.00 to cover the fee of \$340.00 required under 37 C.F.R. § 41.20(b) and the fee of \$430.00 required under 37 C.F.R. § 1.17(a) for a two month extension of time. If any additional fees are required or if the enclosed payment is insufficient, Appellants request that the required fees be charged to Deposit Account No. 06-0916.

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I. Real Party In Interest

The owner, assignee, and real party in interest for this application is Georgia-Pacific France.

II. Related Appeals and Interferences

Appellants' undersigned legal representative knows of no other appeals or interferences that will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. Status Of Claims

Claims 1-15 have been cancelled. Claims 16-31 are pending in this application. Claims 23-29 have been withdrawn from consideration. Claims 16-22 and 30-31 have been rejected and are appealed.

IV. Status Of Amendments

All amendments have been entered.

V. Summary Of Claimed Subject Matter

The presently claimed invention is directed to a packet of stacked absorbent paper tissues. *Spec. at page 1, lines 4-5*. The claimed packet of tissues contains a plurality of absorbent paper tissues that form a tissue stack and a wrapper. *Spec. at page 2, lines 5-7*. The tissue stack has a parallelepiped overall shape with equal height and width so the packet has square front and rear faces. *Spec. at page 2, lines 10-12*.

Each tissue has three fold lines defining four panels of approximately equal width, and two further fold lines orthogonal to the three fold lines resulting in a tissue folded in a square of sixteen equal areas. *Spec. at page 2, lines 16-21; Figures 4-9*. Each tissue is folded as shown in Figures 4-9 so that the fold directions of the outer folds is mutually opposed to the fold direction of the inner fold, and the two additional folds are then made in succession. *Spec. at page 6, line 31 to page 7, line 4*.

In one embodiment, the panels are folded with respect to the three fold lines to form an M shaped end view. *Figure 6*. In another embodiment, the wrapper is flexible and has an opening part that, when open, provides an uncovered region for grasping at least one tissue from the tissue stack. *Spec. at page 2, lines 7-9*. In yet another embodiment, the panels are folded with respect to the three fold lines to form an M shaped end view and the wrapper is flexible and has an opening part that, when open, provides an uncovered region for grasping at least one tissue from the tissue stack. *Figure 6 and spec. at page 2, lines 7-9*. In still another embodiment, the height and width of the packet are between 50 and 58 millimeters. *Spec. at page 2, line 22*. In a further embodiment, the opening part comprises a flap which can move between an open position uncovering the region for grasping and a closed position covering the

region for grasping wherein the surface of the region for grasping uncovered by the flap is between one third and one half of an area of a wrapper face comprising the opening part. *Spec. at page 8, lines 5-7.*

Packets of tissues are designed to have sufficient rigidity to allow for stacking during shipment and to resist crushing while in transit or while in the handbags and pockets of the consumer. *Spec. at page 5, lines 17-20.* The packet of tissues of the presently claimed invention provides unexpected crush resistance and, therefore, is better able to handle the stress that packets of tissues regularly endure during shipment and use by the consumer.

VI. Grounds of Rejection to be Reviewed on Appeal

Two grounds of rejection are to be reviewed on Appeal. First, claims 16-22 and 30-31 have been rejected as obvious over the Admitted Prior Art in view of U.S. Patent No. 5,244,025 to Wewers and further in view of U.S. Patent No. 3,129,811 to Williams. Second, claims 16-22 and 30-31 have been rejected as obvious over U.S. Patent No. 5,018,625 to Focke et al. or U.S. Patent No. 4,460,088 to Rugenstein et al., in view of U.S. Patent No. 5,244,025 to Wewers and further in view of U.S. Patent No. 3,129,811 to Williams.

VII. Argument

A. Introduction

Each claim of this patent application is separately patentable, and upon issuance of a patent will be entitled to a separate presumption of validity under 35 U.S.C. § 282. For convenience in handling this appeal, however, the claims will be grouped in three groups. All of the claims do not stand or fall together.

Claims 16, 18, 20-22, 30 and 31 are argued separately regarding both obviousness and Appellants' contention of unexpected results. These claims address characteristics of the tissue packet according to the present invention, including a tissue stack and wrapper having square front and rear faces wherein each tissue has fold lines defining sixteen equal areas, which are neither taught nor suggested by the prior art references.

Claim 17 is argued separately regarding both obviousness and Appellants' contention of unexpected results. This claim addresses characteristics of the tissue packet according to the present invention as described in claim 16 above, wherein the height and width of the tissue packet are between 50 and 58 millimeters, which is neither taught nor suggested by the cited prior art.

Claim 19 is argued separately regarding both obviousness and Appellants' contention of unexpected results. This claim addresses characteristics of the tissue packet according to the present invention as described in claim 17 above, wherein a surface of the region for grasping uncovered by the flap is between one third and one

half of an area of a wrapper face comprising the opening part, which is neither taught nor suggested by the cited prior art.

The invention as presently claimed is in condition for immediate allowance. For all of the reasons discussed below, the outstanding rejections should be withdrawn and the application passed to grant.

The criteria for a determination of obviousness have been succinctly stated by the Federal Circuit as follows:

We may assume, for purposes of this decision, that all the prior art references in this case are sufficiently related to one another and to a related and common art, that the hypothetical person skilled in the art must be presumed to be familiar with all of them. That being so, the next questions are (a) whether a combination of the teachings of all or any of the references would have suggested (expressly or by implication) the possibility of achieving the invention in suit, and (b) whether the claimed invention achieved more than a combination which any or all of the prior art references suggested, expressly or by reasonable implication.

In re Sernaker, 702 F.2d 989, 993, 217 U.S.P.Q. 1, 5 (Fed. Cir. 1983). The Federal Circuit has also articulated more recently a test for the obviousness of an invention in *In re Lee*:

When patentability turns on the question of obviousness, the search for and analysis of the prior art includes evidence relevant to the finding of whether there is a teaching, motivation, or suggestion to select and combine the references relied on as evidence of obviousness. . . . Our case law makes clear that the best defense against the subtle but powerful attraction of a hindsight-based obviousness analysis is rigorous application of the requirement for a showing of the teaching or motivation to combine prior art references . . . particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed.

277 F.3d 1338, 1343, 61 U.S.P.Q.2d 1430, 1433 (Fed. Cir. 2002).

With these standards in mind, Appellants assert that the Examiner has not rigorously applied the requirements for showing obviousness of the presently claimed invention. Specifically, the Examiner has failed to even disclose a folded tissue in the shape of a square. Using the Examiner's own logic, the skilled artisan would find a rectangular package more suitable for holding the rectangular folded tissues disclosed in each of the primary references in order to prevent extra compartmental space, save material cost, prevent movement, and rigidify the entire package. The Examiner has not explained with particularity why the modification of the rectangular packet of tissues of the primary references to include the square shape of Wewers and the folding method of Williams is not pure hindsight. Furthermore, the Examiner has failed to explain why one skilled in the art would expect to achieve the improved resistance to crushing shown by the presently claimed invention. Therefore, Appellants respectfully urge the withdrawal of both rejections on the grounds that a *prima facie* case of obviousness has not been established.

B. Claims 16-22 and 30-31 are not obvious over the Admitted Prior Art in view of Wewers and further in view of Williams

1. Claims 16, 18, 20-22, 30 and 31

The claimed invention is a packet of tissues, having unexpected resistance to crushing, comprising a plurality of absorbent paper tissues forming a tissue stack and a flexible wrapper, wherein the tissue stack and wrapper have an equal height and width so as to form square front and rear faces, and wherein each tissue is defined by sixteen

equal areas formed by folding the tissue along three fold lines defining the four panels and two further fold lines in such a way that the interior surface of the two outer panels is folded in an outwardly manner with respect to two inner panels.

At best, the cited prior art teaches that similar strength may be expected from square and rectangular packaging shapes. Appellants have previously presented to the Examiner, and review again below, the test data concerning crush resistance supporting Appellants' position that a square tissue packet provides an unexpected improvement. *Reply to Office Action mailed 10/30/2003 at page 8.* As set forth in the specification of the present application, "[t]he parallelepipedal format of the packet 20, with square frontal faces 22 and 24, makes it possible to improve rigidity. Thus, it is more rigid and retains its shape when stressed." *Spec. at page 5, lines 17-19.* Specifically, filled tissue packets of the present invention have a crush resistance 2.5 times higher than that of known packets. *Spec. at page 6, lines 8-10.* Moreover, the ratio between the resistance of a partially filled packet according to the invention and a partially filled packet of a known type may be as high as 16. *Spec. at page 6, lines 11-14.*

The Examiner has taken the position that the Admitted Prior Art, in view of Wewers and further in view of Williams, teach or suggest each of the limitations as presently claimed. As shown in Figures 1 and 2, the tissue packets of the Admitted Prior Art are rectangular. The Examiner acknowledges that the Admitted Prior Art does not disclose "a square package and the folding method of the tissue." *Office Action mailed 12/01/2003 at page 2.* The Examiner alleges that Wewers and Williams cure these recognized defects in the Admitted Prior Art.

With respect to the absence of a square package in the primary references, the Examiner alleges that “a change in form or shape is generally recognized as being within the level of ordinary skill in the art, absent any showing of unexpected results.” *Id.* The Examiner also alleges that “Wewers teaches a square shaped package for receiving contents therein” and that “Wewers is only cited to show the shape and not the contents.” *Id.* Finally, the Examiner states that “the examiner is only citing [Wewers] to show a typical square-shaped package that is well known in the packaging art.” *Id.* at 4. So the Examiner specifically restricts the use of Wewers to the packaged shape and not the contents shape.

However, the Examiner has failed to explain why one having skill in the art would look to Wewers, which discloses a protective jacket for chinaware designed to prevent chinaware pieces from knocking against other pieces, when designing a packet of facial tissues. Packets of facial tissues are designed to have rigidity to allow for stacking during shipment and to resist crushing while in the handbags and pockets of the consumer. *Spec. at page 5, lines 17-20.* In contrast, the protective jackets of Wewers are made of soft thick cotton flannel and are designed to prevent individual pieces of chinaware from knocking against one another. *Wewers at col. 1, lines 6-9.* Thus, one having skill in the art would not look to Wewers to design a better packet of tissues. *In re Bigio*, No. 03-1358, (Fed. Cir. Aug. 24, 2004).

In *In re Bigio*, the Federal Circuit recently clarified that the test for determining “analogous art requires the PTO to determine the appropriate field of endeavor by reference to explanations of the invention's subject matter in the patent application, including the embodiments, function, and structure of the claimed invention.” *Id.* at *3.

In contrast to the claimed packet of tissues that resists crushing while in the handbags and pockets of the consumer and includes tissues folded in a square shape, the protective jacket for china shown by Wewers is made from soft, thick cotton, does not provide resistance to crushing, and does not disclose tissues folded in a square shape. Thus, Wewers does not fall within the appropriate field of endeavor.

For the same reasons, Wewers is not “reasonably pertinent to the particular problem with which the inventor was concerned.” *In re Oetiker*, 977 F.2d 1443, 1446, 24 U.S.P.Q.2d 1443, 1445 (Fed. Cir. 1992). In *In re Oetiker*, the invention was for a metal hose clamp. *Id.* The cited reference disclosed a hook and eye fastener for use in garments. *Id.* The Federal Circuit held that the reference was not within the field of applicant's endeavor, and was not reasonably pertinent to the particular problem with which the inventor was concerned because it had not been shown that a person of ordinary skill, seeking to solve a problem of fastening a hose clamp, would reasonably be expected or motivated to look to fasteners for garments. 977 F.2d 1443, 1446, 24 U.S.P.Q.2d 1443, 1447. Under the test in *Oetiker*, Wewers would not be considered by a person having ordinary skill in the art to design a better packet of tissues. Even if a skilled artisan did consider Wewers, the Examiner has failed to articulate why the skilled artisan would be motivated to change the rectangular shapes of the packets in the Admitted Prior Art to a square shape in order to achieve the packet of tissues of the claimed invention that possess unexpected resistance to crushing. The Examiner argues that “[o]ne of ordinary skill in the art would find a square package more suitable for holding a square contents to prevent extra compartmental space and to save material cost.” *Id.* at 4. The Examiner further states that “the contents within the

package square shape package would rigidify the entire package because the lack of movement.” *Id.*

However, the references cited by the Examiner fail to disclose a folded tissue in the shape of a square. Instead, the folded tissues requiring packaging are all of a rectangular shape. Thus, using the Examiner’s own logic, one of ordinary skill in the art would find a rectangular package more suitable for holding the rectangular folded tissues disclosed in each of the primary references in order to prevent extra compartmental space, save material cost, prevent movement, and rigidify the entire package. Therefore, one having skill in the art would not be motivated to combine the rectangular folded tissues disclosed in the Admitted Prior Art with the square packaging described in Wewers.

Moreover, the Examiner has failed to cite a single reference that would teach or suggest a square tissue or absorbent paper product container that has unexpected resistance to crushing. Contrary to the position taken by the Examiner, a square china container is not suggestive of a square tissue container. *In re Bigio*, No. 03-1358, (Fed. Cir. Aug. 24, 2004). Only the use of impermissible hindsight would guide a person having skill in the art through the maze of prior art references, combining the right references in the right way to achieve the result of the claimed invention. See *Grain Processing Corp.*, 840 F.2d 902, 907, 5 U.S.P.Q.2d 1788, 1792-93 (Fed. Cir. 1988).

In *Grain Processing*, the claimed invention related to starch conversion products known as starch hydrolysates. 840 F.2d at 904, 5 U.S.P.Q.2d at 1790. The Federal Circuit found that the best prior art differed from the claimed invention in an important way, namely, the claimed invention produced a solution that remained clear longer than

the prior art. 840 F.2d at 907, 5 U.S.P.Q.2d at 1792. The Federal Circuit also found that the other references cited to establish obviousness had little relevance to the claimed invention. *Id.* For example, a first reference related to laundry starch which did not require the bland taste and low sweetness of the claimed invention. *Id.* A second reference related to incorporating insecticides or paint into a starch matrix and did not disclose the type of waxy starch disclosed in the claimed invention. 840 F.2d at 907, 5 U.S.P.Q.2d at 1793. Although each claim limitation was present in one of the cited references, the references had either little relevance to the claimed invention or differed from the claimed invention in an important way. 840 F.2d at 907-908, 5 U.S.P.Q.2d at 1792-93. Therefore, the Federal Circuit held that “the cited references would not have been sufficient, either alone or in combination, to suggest the invention to one of ordinary skill in the art.” 840 F.2d at 907-908, 5 U.S.P.Q.2d at 1793.

The same reasoning applies to this case. First, the Examiner acknowledges that the Admitted Prior Art differs from the claimed invention because it does not disclose “a square package and the folding method of the tissue.” *Office Action mailed 12/01/2003 at page 2.* Second, the protective jacket for china shown by Wewers has little relevance to the claimed tissue packet, does not disclose a folded tissue in the shape of a square, and does not exhibit the improved resistance to crushing of the claimed invention. As was the case in *Grain Processing*, each reference differs from the claimed invention in an important way or has little relevance to the claimed invention. 840 F.2d at 907-908, 5 U.S.P.Q.2d at 1792-93. Furthermore, none of the references even disclose a folded tissue in the shape of a square. Therefore, the Admitted Prior Art in view of Wewers

and further in view of Williams would not have been sufficient, either alone or in combination, to suggest the claimed invention to one of ordinary skill in the art.

2. Claim 17

Claim 17 further requires a packet of tissues wherein the height and width of the tissue packet are between 50 and 58 millimeters. None of the references applied by the Examiner teach or suggest a height or width between 50 and 58 millimeters. Moreover, the protective jacket for chinaware disclosed by Wewers is 7 to 12 inches square, equivalent to approximately 175 to 305 millimeters. *Wewers at col. 2, lines 17-35*. The protective jacket for chinaware shown by Wewers has a significantly different structure. since it functions to prevent individual pieces of chinaware from knocking against one another. *Wewers at col. 1, lines 6-9*. Given the significant structural and functional differences, one having skill in the art would not look to Wewers to modify any of the primary references cited by the Examiner to achieve a packet of tissues specifically sized with a height or width between 50 and 58 millimeters having unexpected resistance to crushing. *In re Bigio*, No. 03-1358, (Fed. Cir. Aug. 24, 2004).

3. Claim 19

Claim 19 further requires a tissue packet wherein a surface of the region for grasping, uncovered by a flap, is between one third and one half of an area of the wrapper face comprising the opening part. As shown in Figures 1 and 2 of the specification, the tissue packet of the Admitted Prior Art has a rectangular shape and a grasp area of between approximately one sixth and one fourth of the area of the

wrapper face. As such, the Admitted Prior Art does not teach or disclose a square tissue packet or one having a grasping flap between one third and one half of the area of the wrapper face. The skilled artisan would not be motivated to increase the size of the grasp area of the Admitted Prior Art to between one third and one half of the wrapper face because doing so would weaken the structural integrity of the tissue packet, including its resistance to crushing. Moreover, given the disclosed structure and function of Wewers, it clearly teaches away from providing such a large region for grasping because the free edges of the Wewers jackets are sewn together to form a mouth of an opening leading into a pocketed jacket sleeve. *MPEP* §2141.02 (“A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention.”); *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1551, 220 U.S.P.Q. 303, 311 (Fed. Cir. 1983)(“Nor is it anywhere suggested that by rapid stretching a PTFE article be stretched to more than five times its original length as required by asserted claim 19. On the contrary, the art as a whole teaches the other way.”). As such, Wewers discloses little or no region for grasping. Thus, a skilled artisan looking to Wewers would not obtain a packet of tissues having the claimed region for grasping.

Accordingly, a *prima facie* case of obviousness has not been made. Appellants therefore respectfully request the withdrawal of this rejection.

C. Claims 16-22 and 30-31 are not obvious over Focke et al. or Rugenstein et al., in view of Wewers and further in view of Williams

1. Claims 16, 18, 20-22, 30 and 31

The Examiner has taken the position that Focke et al. or Rugenstein et al., in view of Wewers and further in view of Williams, teach or suggest each of the limitations as presently claimed. The Examiner acknowledges that Focke et al. and Rugenstein et al. do not disclose a square package and the folding method of the tissue. *Office Action mailed 12/01/2003 at page 3*. The Examiner alleges that Wewers and Williams cure these recognized defects in Focke et al. and Rugenstein et al.

With respect to the absence of a square package in the primary references, the Examiner alleges that “a change in form or shape is generally recognized as being within the level of ordinary skill in the art, absent any showing of unexpected results.” *Id.* The Examiner also alleges that “Wewers teaches a square shaped package for receiving contents therein” and that “Wewers is only cited to show the shape and not the contents.” *Id.* Finally, the Examiner states that “the examiner is only citing [Wewers] to show a typical square-shaped package that is well known in the packaging art.” *Id.* at 4. So the Examiner specifically restricts the use of Wewers to the packaged shape and not the contents shape.

However, the Examiner has failed to explain why one having skill in the art would look to Wewers, which discloses a protective jacket for chinaware designed to prevent chinaware pieces from knocking against other pieces, when designing a packet of tissues. Packets of tissues are designed to have rigidity to allow for stacking during shipment and to resist crushing while in the handbags and pockets of the consumer. *Spec. at page 5, lines 17-20*. In contrast, the protective jackets of Wewers are made of soft, thick cotton flannel and are designed to prevent individual pieces of chinaware from knocking against one another. *Wewers at col. 1, lines 6-9*. Thus, one having skill

in the art would not look to Wewers to design a better packet of tissues. *In re Bigio*, No. 03-1358, (Fed. Cir. Aug. 24, 2004).

For the same reasons that Wewers and Williams did not overcome the deficiencies of the Admitted Prior Art, Wewers and Williams do not remedy the deficiencies of Focke et al. or Rugenstein et al. In this regard the Examiner's attention is directed to the discussions of *In re Bigio*, *In re Oetiker* and *Grain Processing*. As previously discussed, Wewers is non-analogous and even if not held non-analogous, it does not motivate the skilled artisan to change the shape of a tissue packet. Neither Focke et al., Rugenstein et al., Wewers, or Williams disclose a folded tissue in the shape of a square. Furthermore, the references do not teach or suggest a square tissue packet that has unexpected resistance to crushing. Therefore, Focke et al. or Rugenstein et al. in view of Wewers and Williams would not have been sufficient, either alone or in combination, to suggest the claimed invention to one of ordinary skill in the art.

Claim 17

For all of the reasons discussed *supra*, claim 17 is neither taught or suggested by the combination of Focke et al. or Rugenstein et al. taken in view of Wewers and Williams. Again, claim 17 is specifically directed to a packet of tissues wherein the height and width of the tissue packet are between 50 and 58 millimeters. None of the references applied by the Examiner teach or suggest such a height or width. As discussed *supra*, Wewers discloses a protective cover for china that is on the order of 175 to 305 millimeters. *Wewers at col. 2, lines 17-35*. Because the protective jacket of

Wewers has significant structural and functional differences, one having skill in the art would not look to Wewers to modify either Focke et al. or Rugenstein et al. to achieve a packet of tissues of the claimed size. Again, the Examiner has failed to sufficiently explain the basis for his conclusion and where he locates the requisite motivation. Finally, the Examiner completely fails to address Applicants contention that the tissue packet as claimed has unexpected resistance to crushing. *In re Bigio*, No. 03-1358, (Fed. Cir. Aug. 24, 2004).

Since the tissue packet of claim 17 is neither taught nor suggested by the cited references, it is in condition for immediate allowance.

Claim 19

As discussed *supra*, claim 19 is directed to a tissue packet wherein a surface of the region for grasping, uncovered by a flap, is between one third and one half of an area of the wrapper face comprising the opening part. In the current rejection, the Examiner has exchanged the primary reference of the Admitted Prior Art for Focke et al. or Rugenstein et al. As shown in Figure 1 of Focke et al. and Rugenstein et al., both references disclose a tissue packet that has a rectangular shape and a grasp area of approximately one sixth of the area of the wrapper face. As such, neither Focke et al. or Rugenstein et al. teach or disclose a square tissue packet or one having a grasping flap between one third and one half of the area of the wrapper face. Furthermore, the skilled artisan would not be motivated to increase the size of the grasp area of either Focke et al. or Rugenstein et al. to between one third and one half of the wrapper face because doing so would weaken the structural integrity of the tissue packet, including its

resistance to crushing. For all of the reasons discussed *supra*, Wewers does not remedy this deficiency and for those reasons, the tissue packet as set forth in current claim 19 would not have been obvious to the skilled artisan.

Accordingly, a *prima facie* case of obviousness has not been made. Applicants therefore respectfully request the withdrawal of this rejection.

D. Conclusion

Since the Examiner has failed to establish a *prima facie* case of obviousness, Appellants earnestly solicit the withdrawal of both outstanding rejections and the allowance of pending claims 16-22 and 30-31.

If any further extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this Appeal Brief, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§41.20 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. §§ 1.136 and 1.17, please charge such fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: September 30, 2004

By: Robert E. McBride
Robert E. McBride
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VIII. Claims Appendix

Claims 1 - 15 (canceled).

Claim 16 (previously presented). A packet of stacked absorbent paper tissues, comprising:

a plurality of absorbent paper tissues forming a tissue stack;

a wrapper formed of a flexible wrapping sheet configured to wrap the tissue stack; and

an opening part within the wrapper to, when open, provide an uncovered region for grasping at least one tissue from the tissue stack,

the wrapper and tissue stack having a parallelepiped overall shape defined by a height, width, and a thickness,

the height and width being equal so that the packet has a square front face and a square rear face,

each tissue of the tissue stack being folded in a square of sixteen equal areas within the tissue,

each tissue having three fold lines defining four panels of approximately equal width, and two further fold lines orthogonal to the three fold lines,

the three fold lines and the two further fold lines defining sixteen equal areas within the tissue,

directions of folding of the panels with respect to outer fold lines of the three fold lines being mutually opposing to the direction of folding the panels with

respect to an inner fold line, so that the interior surface of the two outer panels is folded in an outwardly manner with respect to the two inner panels, and

directions of folding of the panels with respect to the two further fold lines being in succession about a first of the two fold lines and a second of the two fold lines.

Claim 17 (previously presented). The packet of claim 16, wherein the height and width of the wrapper and tissue stack are between 50 and 58 millimeters.

Claim 18 (previously presented). The packet of claim 16, wherein the opening part comprises a flap which can move between an open position uncovering the region for grasping and a closed position covering the region for grasping.

Claim 19 (previously presented). The packet of claim 18, wherein a surface of the region for grasping uncovered by the flap is between one third and one half of an area of a wrapper face comprising the opening part.

Claim 20 (previously presented). The packet of claim 19, wherein the flap is articulated about an axis approximately parallel to an edge of the packet.

Claim 21 (previously presented). The packet of claim 20, wherein the flap comprises a closure element configured to hold the flap in a closed position.

Claim 22 (previously presented). The packet of claim 21, wherein the closure element comprises an adhesive strip that can be repeatedly unstuck and stuck onto a fixed part of the wrapper.

Claim 23 (withdrawn). The packet of claim 18, wherein, the flap is a part of the wrapping sheet delimited by a cut in the wrapping sheet comprising two portions of the wrapping sheet joined together,
the two portions extending over separate faces of the packet.

Claim 24 (withdrawn). The packet of claim 18, wherein, the flap is part of the wrapping sheet delimited by a cut in the wrapping sheet arranged in a corner of the packet and comprising three portions of the wrapping sheet,
each of the three portions extending over a separate face of the packet,
a first portion extending over a first face between two concurrent edges of the packet, and
a second portion and a third portion extending over a respective second face and a third face of the packet from ends of the first portion.

Claim 25 (withdrawn). The packet of claim 24, wherein, the first portion is an arc of a circle, the center of the circle corresponding approximately to a point of concurrency of three edges delimited the corner of the packet.

Claim 26 (withdrawn). The packet of claim 24, wherein the first portion comprises at least one straight-line segment.

Claim 27 (withdrawn). The packet of claim 24, wherein the first face is the front face.

Claim 28 (withdrawn). The packet of claim 24, wherein the first face is adjacent to the front face.

Claim 29 (withdrawn). The packet of claim 24, wherein the first face is adjacent to the rear face.

Claim 30 (previously presented). A packet of stacked absorbent paper tissues, comprising:

- a plurality of absorbent paper tissues forming a tissue stack;
- a flexible wrapper configured to wrap all faces of the tissue stack; and
- an opening part within the wrapper to, when open, provide an uncovered region for grasping at least one tissue from the tissue stack,

the wrapper and tissue stack having a parallelepiped overall shape defined by a square front face and a square rear face,

each tissue of the tissue stack being folded in a square of sixteen square areas,

each tissue having three fold lines defining four panels of approximately equal width, and two further fold lines orthogonal to the three fold lines,

the three fold lines and the two further fold lines defining the sixteen equal areas,

the panels being folded with respect to the three fold lines so as to form an M shape when viewed from an end of the tissue.

Claim 31 (previously presented). An absorbent tissue packet, comprising:

a tissue stack; and

a wrapper covering all faces of the tissue stack,

the wrapper and tissue stack having a square front face and a square rear face,

each tissue of the tissue stack having three fold lines defining four panels of approximately equal width, and two further fold lines orthogonal to the three fold lines,

the three fold lines and the two further fold lines defining sixteen equal areas,

the panels being folded with respect to the three fold lines to form an M shaped end view.

IX. **Evidence Appendix**

None

X. Related Proceedings Appendix

None.